

R E M A R K S

In accordance with the foregoing, claims 1-25 have been CANCELLED without prejudice or disclaimer and new claims 26-45 have been added.

No new matter is being presented, and approval and entry of the Amendment are respectfully requested.

The outstanding Office Actions are addressed in reverse order.

OFFICE ACTION OF AUGUST 18, 2005

The Office Action dated August 18, 2005 required that the previously filed claim amendment be spaced with 1.5 or double spacing. Accordingly, the subject amendment has been re-presented with 1.5 line spacing. The remainder of the amendment is the same as that filed July 6, 2005.

OFFICE ACTION OF JANUARY 6, 2005

The Office Action dated January 6, 2005 indicates that the status identifiers are unclear. In an effort to avoid confusion, claims 1-25 have been cancelled without prejudice or disclaimer and new claims 26-45 have been added.

OFFICE ACTION OF SEPTEMBER 8, 2004

The Office Action dated September 8, 2004 confirms Applicant's request to consider the Declaration of Alice DeGroot.

In view of the non-final status of the subject application, Applicant respectfully requests consideration of the Declaration of Alice DeGroot.

OFFICE ACTION OF APRIL 27, 2004

The Office Action dated April 27, 2004 confirms consideration of the Declaration of Eric Udler.

The Office Action dated April 27, 2004 confirmed reliance on *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893) for the proposition that "formation of a singular article from an article previously formed of two pieces" is obvious. This rejection was previously made, without citation, on page 9 of the Office Action dated October 9, 2002.

The holding of *Howard* states:

... it involves no invention to case in one piece an article which has formerly been cast in two pieces and put together, nor to make the shape of the grate correspond with that of the firepot. *Howard v. Detroit Stove Works*, 150 U.S. 164, 170 (1893).

However, the Applicant respectfully submits that *Howard* was specifically overruled by the 1952 Patent Act, which states:

"Patentability shall not be negatived by the manner in which the invention was made." 66 Stat. 798 (codified as amended at 35 U.S.C. § 103(a) (2005)).

The Applicant respectfully submits that "formation of a singular article..." relates to "how an invention was made." It is respectfully noted that *Howard* has not been cited by the Federal Circuit, nor the Board of Patent Appeals and Interferences in a published opinion. It is respectfully noted that *Howard* is not cited in the M.P.E.P.

Reconsideration and withdrawal of reliance on *Howard* as legal precedent is respectfully requested.

OFFICE ACTION OF NOVEMBER 20, 2003

The Office Action of November 20, 2003 primarily relies upon references to Borchelt in support of obviousness rejections. There are a total of four ("4") Borchelt references in this application. These four references are:

- I. Borchelt, U.S. Patent No. 5,992,352 ("Borchelt I") from Paper 4.
- II. Snoot Loop Halter for Dogs ("Borchelt II") from IDS of 05/22/2001 (listed in IDS as "Peter L. Borchelt, Ph.D., Animal Behavior Consultants, www.animalbehavior.com").
- III. Snoot Loop order form ("Borchelt III") from IDS of 05/22/2001 (listed in IDS as "Peter L. Borchelt, Ph.D., Animal Behavior Consultants, "Snoot Loop Halter for Dogs" order form").
- IV. Snoot Loop Halter for Dogs ("Borchelt IV") from IDS of 08/26/2002 (listed in IDS as "Borchelt, Peter L., PhD, SNOOT LOOP HALTER FOR DOGS, August 2001, pp. 1-6.") (courtesy copy is submitted as EXHIBIT B).

The primary rejections were based upon: Borchelt et al., U.S. Patent No. 5,992,352 (**BORCHELT I**); "Snoot Loop Halter for Dogs by Peter Borchelt" (**BORCHELT IV**); and DeGroot, U.S. Patent No. 4,483,275.

SNOUT LOOP CONFIGURATION

The Office Action primarily relies upon "Snoot Loop Halter for Dogs by Peter Borchelt" (**BORCHELT IV**), which indicates on page 6, "...a piece of felt, flannel or fleece can be wrapped in one layer around the nose loop and sewn to form a close fitting tube. The nose loop will slide within this soft cushioned tube..."

All claims now particularly set a collar member formed of a first material and a snout loop having a portion formed of a second material different from the first material with closed ends. **BORCHELT IV** teaches away from a snout loop having closed ends because it would prohibit sliding.

Further, all references of record teach that the snout loop should be of the same material as the collar member. On the other hand, all claims now particular set forth that the materials are different.

USE OF RINGS

The affidavit of Alice DeGroot, the inventor of U.S. Patent No. 4,483,275, was submitted in this application and specifically sets forth that use of metal rings was specifically considered and rejected.

EVIDENCE OF COMMERCIAL SUCCESS

The Examiner is respectfully requested to review the published book of the Applicant, which fairly and particularly addresses the commercial embodiments of the primary references of record. Given this demonstrated knowledge of commercial canine head halters, the Applicant has developed significant improvements in this crowded art.

The Examiner is also requested to re-review the numerous testimonials and Declarations submitted in this application as evidence of commercial success, and indicia of non-obviousness.

CONCLUSION

In view of the new claims and remarks set forth above, it is respectfully submitted that all outstanding rejections have been overcome and/or rendered moot.


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Favorable consideration and allowance are earnestly
solicited.

Respectfully submitted,

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